

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JAMES MORE,)	
)	
Plaintiff,)	
)	
v.)	08 c 5203
)	
CITY OF BRAIDWOOD, et al.,)	
)	
Defendants.)	Judge Blanche M. Manning

MOTION TO COMPEL

Plaintiff, James More, by his counsel, for his motion to compel, states as follows:

1. This is a Section 1983 Civil Rights case with pendant state law claims arising from the September 16, 2007 arrest of plaintiff and use of force by defendants upon plaintiff.
2. Plaintiff was represented by other counsel for most of the course of this lawsuit. Those counsel withdrew earlier this year and current counsel subsequently appeared on behalf of plaintiff in April. This matter is set for trial on September 27, 2010.
3. When current plaintiff's counsel appeared for plaintiff, he noted for the Court that there were a few loose ends to tie up in discovery. The parties agreed to a trial date and subsequently to a reset trial date, and informed the Court that they were addressing a few outstanding issues that would not affect trial scheduling. One of those issues relating to Taser data download reports has yet to be resolved.
4. There is disagreement between the testimony of plaintiff and the testimony of defendants relating to plaintiff's claims concerning discharge of a Taser. Plaintiff's predecessor counsel had in several of the initial discovery requests asked for all paper or

electronic records relating to the claims in this suit and the facts of occurrence; however, data or reports on Taser discharge were not provided by defendants.

5. Upon noticing that plaintiff had not received Taser dataport download reports for the Tasers of the two individual defendants from the night of the incident, plaintiff's current counsel requested those reports. When the reports were not produced, plaintiff's counsel followed up with a request that defendants make the Tasers available for him to have someone with the proper software perform the download.

6. Discussions as to this issue have been ongoing for over a month and there have been in-person, written and telephonic attempts to resolve the issue pursuant to LR 37.2, thus far without success. Plaintiff has received conflicting reports about a Taser supposedly being sent in for repair and about the Braidwood Police Department not having performed downloads in the past. However, plaintiff has not received any Taser dataport download reports. Nor has plaintiff's counsel been afforded the opportunity to have the download performed by anyone else.

7. Resolution of this matter is straightforward and should not delay trial.

WHEREFORE, Plaintiff requests that the Tasers of the two individual defendants be made available for a dataport download by a qualified individual on behalf of plaintiff within the next 14 days, and/or that the Court grant such other or further relief as it deems just and proper.

Respectfully submitted,

/s Mark Parts
Mark Parts

Parts & Spencer, Ltd.
33 North LaSalle Street, Suite 1925
Chicago, IL 60602
312-920-0990
mparts@pslegal.net
Illinois Atty. No.: 6203617